

ADM File No. 2010-15
Proposed Amendment to MCR 6.005

11/22/2011

To Clerk of the Court:

I urge the Court to adopt the proposed amendment to MCR 6.005. Many reversible errors are discovered outside of the plain record. Proposed subsection (5) would help protect appellants against the loss of materials needed to prove all issues for review. Everyone - defendants, trial counsel, appellate counsel and the courts - benefits by this straightforward proposal placing a duty on trial counsel to safeguard and provide these materials within a specific time period. The proposed rule neither increases nor shifts anyone's burden. By ensuring the accessibility of materials from a single source, the rule simply tells trial counsel and appellate counsel what to do and when to do it. It's a good idea.

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